

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL EDWARD CALLAHAN,)	
Plaintiff,)	
)	No. 1:19-cv-1034
-v-)	
)	Honorable Paul L. Maloney
JUDY ELLEN BREGMAN, et al.,)	
Defendants.)	
_____)	

ORDER

This is a civil case brought by Daniel Callahan attempting to bring various claims against Judy Bregman and Mark Welch. Callahan was permitted to proceed *in forma pauperis* (ECF No. 7). On December 23, 2019, United States Magistrate Judge Sally J. Berens issued a Report & Recommendation (“R&R”) recommending that the Court dismiss the complaint pursuant to 28 U.S.C. § 1915(e)(2) because it fails to state a claim upon which relief can be granted (ECF No. 8). Callahan timely filed an objection (ECF No. 9). For the reasons to be discussed, the Court will overrule the objection and adopt the R&R as the Opinion of the Court.

Legal Framework

With respect to a dispositive issue, a magistrate judge issues a report and recommendation, rather than an order. After being served with an R&R issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). A district court judge

reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Only those objections that are specific are entitled to a de novo review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam) (holding the district court need not provide de novo review where the objections are frivolous, conclusive, or too general because the burden is on the parties to “pinpoint those portions of the magistrate’s report that the district court must specifically consider”). Failure to file an objection results in a waiver of the issue and the issue cannot be appealed. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *see also Thomas v. Arn*, 474 U.S. 140, 155 (1985) (upholding the Sixth Circuit’s practice). The district court judge may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Analysis

Callahan’s objection discusses his claims against Defendants and reiterates the facts that he rests those claims on. But Callahan’s objection does not identify any errors in the R&R itself. Absent any specific objections, Callahan’s objection is overruled. The Court has reviewed the R&R and finds no error: Callahan has not raised any federal causes of action upon which relief can be granted. Accordingly,

IT IS ORDERED that the December 23, 2019 R&R (ECF No. 8) is **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff’s objection to the R&R (ECF No. 9) is **OVERRULED**.

IT IS FURTHER ORDERED that Plaintiff's complaint is dismissed for failure to state a claim upon which relief can be granted.

Judgment to follow.

IT IS SO ORDERED.

Date: August 4, 2020

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge